

10-3-3

DA C



(Official - Post Card) SERIAL NO. 10/666,538

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RECEIVED

Applicant:	BERMAN et al.	Examiner:	N/A
Serial No.:	10/666,538	Group Art Unit:	N/A
Filing Date:	September 19, 2003	Docket No.:	KING.005C1
Title:	SYSTEM AND METHOD FOR PROVIDING REPEATED ELIMINATION BONUS IN GAMING ACTIVITIES		

OCT 02 2003

OFFICE OF PATENT & TRADEMARKS

<p>CERTIFICATE UNDER 37 CFR 1.10 Express Mail' mailing label number: EL 981389870 US Date of Deposit: October <u>2</u>, 2003 I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p>By: <u>Tracey M. Dotter</u> Name: Tracey M. Dotter</p>
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**PETITION TO CORRECT FILING DATE UNDER 37 CFR §1.10(d)**

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

On September 19, 2003, the undersigned attorney of record filed the above-identified patent application. Along with the application, a self-addressed postcard was submitted pursuant to M.P.E.P. §503. On September 29, 2003, the postcard was returned, identifying Serial Number 10/666,538, and assigned a filing date of September 12, 2003. The actual filing date of this patent application was one week later, September 19, 2003, and this petition is being submitted to rectify this discrepancy.

The relevant rule under which the present petition is filed, 37 CFR § 1.10, does not appear to require payment of a petition fee. However, **authorization is hereby expressly provided to charge Deposit Account Number 50-0996 (KING.005C1)** for any requisite fee(s) associated with this petition.

The present petition is being submitted pursuant to 37 CFR §1.10(d), which is reproduced below:

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Pursuant to 37 CFR § 1.10(d)(1), the present petition is being filed promptly after becoming aware that the Office has accorded a filing date based upon an incorrect entry by the United States Postal Service (USPS). The undersigned attorney of record noticed the incorrect filing date on September 29, 2003, based on a return postcard received at Crawford Maunu PLLC on September 29, 2003. A copy of the return postcard showing the USPTO Serial Number and filing date, is attached hereto as Exhibit A.

37 CFR § 1.10(d)(2) requires that the number of the "Express Mail" mailing label be placed on the papers that constitute the correspondence prior to the original mailing by "Express Mail." This requirement was met, as evidenced by the transmittal document filed with this patent application, attached as Exhibit B. As seen

from the transmittal document shown in Exhibit B, a "CERTIFICATE UNDER 37 CFR 1.10" was provided, identifying "Express Mail mailing label number" EL 981390484 US. The Express Mail mailing label sticker is also shown on the file copy of the document, positioned to the right of the address block. Compliance with 37 CFR § 1.10(d)(2) has therefore been achieved.

37 CFR § 1.10(d)(3) requires a showing which establishes that the requested filing date was the date the correspondence was deposited in the "Express mail Post Office to Addressee" service prior to the last scheduled pickup for that day. This showing is to be evidenced by USPS receipt information that came into being after deposit of the patent application. This showing can be established by the Applicant, as set forth below.

The facts associated with this issue are generally as follows. The above-identified patent application was prepared for filing on September 19, 2003. An "Express Mail" mailing label number (EL 981390484 US) was included in the 37 CFR § 1.10(a) certificate on the transmittal documents accompanying the patent application. A self-addressed postcard was attached to the patent application pursuant to M.P.E.P. § 503 (see Exhibit A). The patent application, accompanying documents, and self-addressed postcard were packaged in a single Express Mail package, which was hand-delivered to the USPS by an employee of Crawford Maunu PLLC on September 19, 2003. Unbeknownst to this employee at the time, the USPS entered 9/12/03 in the "Date In" field of the Express Mail label, rather than 9/19/03 which was the correct date. A copy of the Express Mail label is attached at Exhibit C. A receipt document obtained from the USPS evidencing this information is attached as Exhibit D. As evidenced by this USPS document, the date and time in which EL 981390484 US was accepted at the St. Paul, MN USPS was 9/19/2003, 8:29.

On September 29, 2003, the postcard (Exhibit A) was returned, identifying Serial Number 10/666,538, and assigned a filing date of September 12, 2003. The undersigned attorney of record was notified on September 29, 2003 by a Crawford Maunu PLLC employee that the filing date accorded by the USPTO did not correspond to the date of the 37 CFR § 1.10(a) certification.

It is respectfully submitted that the foregoing information fully complies with 37 CFR § 1.10(d). The Applicant respectfully requests that the filing date corresponding to U.S. Patent Application Number 10/666,538 be accorded the proper filing date of September 19, 2003.

The undersigned attorney of record may be contacted at 651-686-6633 (extension 110) to discuss any issues related to this matter.

Respectfully submitted,

Crawford Maunu PLLC  
1270 Northland Drive, Suite 390  
St. Paul, MN 55120

Date: October 2, 2003

By: 

Steven R. Funk  
Reg. No. 37,830

**EXHIBIT A**

A



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OCT 02 2003

OFFICE OF PATENT

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: BERMAN ET AL.

For: SYSTEM AND METHOD FOR PROVIDING REPEATED ELIMINATION BONUS IN GAMING ACTIVITIES

Docket No.: KING.005C1

Express Mail No.: EL 981390484 US

Date of Deposit: September 19, 2003

- ☒ Transmittal sheet containing Certificate under 37 CFR 1.10.
- ☒ Patent Application: Pages numbered 1-36, with 1pg. Abstract; 35 claims.
- ☒ 17 sheets of formal drawings, having Figures 1A-1J; 2; 3A-3B; and 4-7.
- ☒ An unexecuted declaration (3 pages).
- ☒ Please defer payment of the filing fees.
- ☒ 1 Return Postcard

Patent

03940 U.S. PTO

10/666538

09/12/03

**EXHIBIT B**

B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BERMAN et al.

Docket: KING.005C1

Title: SYSTEM AND METHOD FOR PROVIDING REPEATED ELIMINATION  
BONUS IN GAMING ACTIVITIES

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OCT 06 2003

OFFICE OF PATENTS

CERTIFICATE UNDER 37 CFR 1.10  
Express Mail<sup>®</sup> mailing label number: EL 981390484 US  
Date of Deposit: September 19, 2003  
I hereby certify that this paper or fee is being deposited with the United States Postal Service Express Mail  
Post Office To Addressee<sup>®</sup> service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

By: Tracey M. Dotter  
Name: Tracey M. Dotter

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EL 981390484US

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet containing Certificate under 37 CFR 1.10.
- ☒ Continuation Patent Application: Pages numbered 1-36, with 1pg. Abstract: 35 claims.
- ☒ 17 sheets of formal drawings, having Figures 1A-1J; 2; 3A-3B; and 4-7.
- ☒ An unexecuted Declaration, 3 pages.
- ☒ Please defer payment of the filing fees.
- ☒ 1 Return Postcard

The fees are calculated as follows:

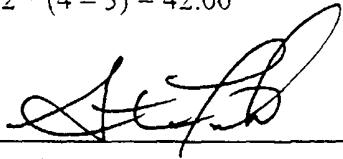
Basic Filing Fee = \$375.00

Fee for total number of claims in excess of 20 =  $\$9 * (35-20) = 135.00$

Fee for total number of independent claims in excess of 3 =  $\$42 * (4 - 3) = 42.00$

Total filing fee due = \$552.00

CRAWFORD MAUNU PLLC  
1270 Northland Drive, Suite 390  
St. Paul, MN 55120  
(651) 686-6633

By:   
Name: Steven R. Funk  
Reg. No.: 37,830



**EXHIBIT C**



EL 981390484 US



UNITED STATES POSTAL SERVICE

Custom r Copy  
Label 11-F June 2002

Post OfficeT Addr sse

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code 55111	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second <input checked="" type="checkbox"/> Third	Flat Rate Envelope <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date In Mo. 1 Day 12 Year 03	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$5.17
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee \$0.00
Weight lbs. 12 ozs.	Int'l Alpha Country Code	COB Fee Insurance Fee
No Delivery	Acceptance Clerk Initials	Total Postage & Fees

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

CUSTOMER USE ONLY	
METHOD OF PAYMENT: Express Mail Corporate Acct. No. A552111	Federal Agency Acct. No. or Postal Service Acct. No.
FROM: (PLEASE PRINT) CRAWFORD MAUND PLLC 1870 NORTHLAND DR STE 390 SAINT PAUL MN 55120-1159 KING-0054	TO: (PLEASE PRINT) COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450 Mail Stop Patent Application

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OFFICE OF PETITIONS

**EXHIBIT D**

D

Twin Cities AMC A  
St. Paul, Minnesota  
551119998

09/19/2003 (612)970-7641 08:29:52 PM

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
ALEXANDRIA VA 22313			\$13.65
Express Mail PO-ADD Flat			
Rate			
Serial Number	EV338374535US		
2nd Delivery Day Noon /	Normal Delivery		
Paid by account:			\$13.65
EMCA account number:			551112
ALEXANDRIA VA 22313			\$13.65
Express Mail PO-ADD Flat			
Rate			
Serial Number	EV309496126US		
2nd Delivery Day Noon /	Normal Delivery		
Paid by account:			\$13.65
EMCA account number:			551112
ALEXANDRIA VA 22313			\$13.65
Express Mail PO-ADD Flat			
Rate			
Serial Number	EV309496112US		
2nd Delivery Day Noon /	Normal Delivery		
Paid by account:			\$13.65
EMCA account number:			551112
ALEXANDRIA VA 22313			\$13.65
Express Mail PO-ADD Flat			
Rate			
Serial Number	EL981390484US		
2nd Delivery Day Noon /	Normal Delivery		
Paid by account:			\$13.65
EMCA account number:			551112
ALEXANDRIA VA 22313			\$13.65
Express Mail PO-ADD Flat			
Rate			
Serial Number	EL981390475US		
2nd Delivery Day Noon /	Normal Delivery		
Paid by account:			\$13.65
EMCA account number:			551112

Total: \$0.00

Paid by:

Bill#: 1000200993243  
Clerk: 08

Refunds only per DMM P014  
Thank you for your business  
Customer Copy